

# **CITY COUNCIL AGENDA**

**SEPTEMBER 12, 2006**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
**9:34 a.m.** - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
**Absent Council Members: Cortese, LeZotte, Yeager; Gonzales. (Excused)**  
  
**1:33 p.m.**- Regular Session, Council Chambers, City Hall  
**Absent Council Members: Gonzales. (Excused)**
- **Invocation (District 8)**  
**San José Fire Department Choir.**
- **Pledge of Allegiance**  
**Vice Mayor Chavez led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved, with Item 3.4 heard and 3.6 added by a unanimous vote.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of Energy Efficiency Program Rebate check from PG&E to the City of San José for energy saving programs at the Water Pollution Control Plant. (LeZotte/ Environmental Services)  
(Deferred from 8/8/06 – Item 1.3)  
**PG&E presented an Energy Efficiency Program Rebate check to the City of San José for energy saving programs. Vice Mayor Chavez and Council Member LeZotte accepted the check on behalf of the City of San José.**

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to the Council on American-Islamic Relations (CAIR) on the occasion of their 12<sup>th</sup> Annual banquet and continued commitment to peace, awareness and understanding as America's largest Islamic Civil Liberties Group. (Chavez/Campos)  
(Rules Committee referral 8/30/06)  
**Vice Mayor Chavez and Council Members Campos, Nguyen and Chirco recognized and commended the CAIR on the occasion of their 12<sup>th</sup> Annual banquet and commitment to peace, mutual understanding and tolerance.**
- 1.3 Presentation of a resolution for the "International Day of Peace". (Cortese)  
(Rules Committee referral 8/30/06)  
**Vice Mayor Chavez and Council Member Cortese presented a resolution for the "International Day of Peace" to the Center of Spiritual Enlightenment.**
- 1.4 Presentation of a proclamation to support health promotion, collaborative action in communities, development of school based policy, encouragement of work place health programs and access to recreation and physical activity for the employees and residents of San José. (LeZotte)  
(Rules Committee referral 9/6/06)  
**Vice Mayor Chavez and Council Member LeZotte presented a proclamation to support health promotion, collaborative action in communities, development of school based policy, encouragement of work place health programs and access to recreation and physical activity for the employees and residents of San José.**

# 2. CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**  
**There were none.**

- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27828 – Rezoning certain real property situated on the east side of De Anza Boulevard, 250 feet northerly of Sharon Drive to A(PD) Planned Development Zoning District. PDC05-027  
**Ordinance No. 27828 adopted.**
- (b) ORD. NO. 27829 – Rezoning certain real property situated at the northeast corner of Almaden Avenue and West Alma Avenue to A(PD) Planned Development Zoning District. PDC06-021  
**Ordinance No. 27829 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

- (c) ORD. NO. 27830 – Rezoning certain real property situated on the northeast corner of Old Tully Road and Monterey Highway to CN Commercial Neighborhood Zoning District. C05-120  
**Ordinance No. 27830 adopted.**
- (d) ORD. NO. 27831 – Prezoning certain real property situated on the southeast side of Mabury Road northeast of King Road from County of Santa Clara to R-1-8 Single Family Residence Zoning District. C06-032  
**Ordinance No. 27831 adopted.**
- (e) ORD. NO. 27832 – Prezoning certain real property situated on the southwesterly side of Stone Creek Drive, approximately 120 feet southeasterly of Isadora Drive. C06-035  
**Ordinance No. 27832 adopted.**
- (f) ORD. NO. 27833 – Prezoning certain real property situated on both sides of Maria Way and Antonio Lane and the west side of Essex Way, extending approximately 180 feet north of Valley Forge Way to R-1-8 Single Family Residence Zoning District. C06-045  
**Ordinance No. 27833 adopted.**
- (g) ORD. NO. 27834 – Rezoning certain real property situated on the south side of Balbach Street, approximately 300 feet westerly of South Market Street to A(PD) Planned Development Zoning District. PDC05-078  
**Ordinance No. 27834 adopted.**
- (h) ORD. NO. 27838 – Amending Chapter 3.28 of Title 3 of the San José Municipal Code to establish a separate medical benefits account in the Federated City Employees Retirement Fund for medical and dental benefits, to add provisions to plan termination, to make technical amendments related to Internal Revenue code provisions for qualified governmental retirement plans.  
**Ordinance No. 27838 adopted.**
- (i) ORD. NO. 27841 – Amending Title 12 of the San José Municipal Code to add Chapter 12.19 to require an elected official to file quarterly disclosure statements reporting the time spent on, and the income earned for services rendered, that are unrelated to duties of office.  
**Ordinance No. 27841 adopted.**  
**Noes: Chirco, Cortese, LeZotte, Nguyen.**
- (j) ORD. NO. 27846 – Rezoning certain real property situated on the northeast corner of Taylor and North 21<sup>st</sup> Streets to R-1-8 Single Family Residence District. C06-056  
**Ordinance No. 27846 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances (Cont'd.)

- (k) ORD. NO. 27847 – Rezoning certain real property situated on the east side of South King Road, approximately 300 feet northerly of East San Antonio Street to A(PD) Planned Development Zoning District. PDC05-013  
**Ordinance No. 27847 adopted.**
- (l) ORD. NO. 27848 – Rezoning certain real property situated on the west side of Meridian Avenue, approximately 300 feet south of Fruitdale Avenue to A(PD) Planned Development Zoning District. PDC05-082  
**Ordinance No. 27848 adopted.**
- (m) ORD. NO. 27849 – Rezoning certain real property situated on the south side of Paul Street, approximately 160 feet easterly of Meridian Way to A(PD) Planned Development Zoning District. PDC05-106  
**Ordinance No. 27849 adopted.**
- (n) ORD. NO. 27850 – Rezoning certain real property situated near the southeast corner of Paul Street and Meridian Way to R-1-8 Single Family Residence Zoning District. C06-036  
**Ordinance No. 27850 adopted.**
- (o) ORD. NO. 27851 – Amending Section 20.100.500 of Part 4 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow the Director of Planning to extend the term of a Development Permit for office uses in the Downtown Zoning Districts.  
**Ordinance No. 27851 adopted.**

### 2.3 Approval of an agreement for street pavement maintenance on Martin Avenue.

**Recommendation:** Approval of a cooperation agreement between the City of San José and the City of Santa Clara to perform street pavement maintenance on Martin Avenue from Brokaw Road to De La Cruz Boulevard in an amount not to exceed \$408,960 including construction cost in the amount of \$343,180, project administration and management in the amount of \$31,462, and a ten percent (10%) contingency in the amount of \$34,318. CEQA: Exempt, PP06-066. Council District 3. (Transportation)  
**Deferred to 9/26/06.**

### 2.4 Acceptance of the Office of the City Auditor's Report.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period June 16, 2006 through July 15, 2006*. (City Auditor)  
(Rules Committee referral 8/30/06)  
**Report Accepted.**

## **2. CONSENT CALENDAR**

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### **2.5 Approval of fiscal actions for Redevelopment Agency Capital Projects.**

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
- (1) Increase the estimate for Earned Revenue by \$110,000.
  - (2) Establish an appropriation to the Department of Transportation for the Greater Gardner Pedestrian Enhancement Project (PSM #454) in the amount of \$10,000.
  - (3) Increase the appropriation to the Department of Transportation for the Greater Gardner Pedestrian Enhancement Project (PSM #454, Amendment 1) in the amount of \$70,000.
  - (4) Increase the appropriation to the Department of Transportation for the Additional Contingency Services Project (PSM #465) in the amount of \$30,000.

**Ordinance No. 27852 adopted.**

**Resolution No. 73388 adopted.**

- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with Greater Gardner Pedestrian Enhancement project as more specifically described in the memorandum from the Redevelopment Agency, dated May 30, 2006.

CEQA: Not a Project. (City Manager's Office)

**Resolution No. 73389 adopted.**

### **2.6 Approval to award open purchase order #6 for FY 2006-2007.**

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #6 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

**Approved.**

### **2.7 Approval to amend an agreement for Citywide Insurance Broker Services.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the agreement with Willis Insurance Services of California Inc. ("Willis"), for Citywide insurance broker services, to set a cap on commissions paid to Willis by insurance carriers for placement of the City's policies in an amount not to exceed \$241,000. CEQA: Not a Project. (Finance)

**Resolution No. 73390 adopted.**

## **2. CONSENT CALENDAR**

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### **2.8 Approval to change the affordability mix of the Edenvale Special Needs Apartments.**

**Recommendation:** Adoption of a resolution approving a change in the affordability mix from 30% of Area Median Income to 50% of Area Median Income to conform to HUD requirements for the Edenvale Special Needs Apartments, a 15-unit rental housing development to be constructed at 5340 Monterey Road and restricted to extremely low-income individuals with developmental disabilities. CEQA: Mitigated Negative Declaration, File No. PDC03-02. Council District 2. SNI: Edenvale/Great Oaks. Housing)

**Resolution No. 73391 adopted.**

### **2.9 Approval to accept the continuation of the Internet Crimes Against Children Grant.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to accept the Internet Crimes Against Children Grant continuation award from the Office of Criminal Justice Planning in the amount of \$400,000, and to execute all related documents.

**Resolution No. 73392 adopted.**

- (b) Adoption of the following 2006-2007 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a City-Wide appropriation to the Police Department for the Internet Crimes Against Children Grant in the amount of \$400,000; and  
(2) Increase the estimate for Revenue from Federal Government by \$400,000.

CEQA: Not a Project. (Police/City Manager's Office)

**Ordinance No. 27853 adopted.**

**Resolution No. 73393 adopted.**

**Staff was directed to provide contract information to the Council offices.**

## **3. STRATEGIC SUPPORT SERVICES**

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### **3.1 Report of the Study Session**

**Mayor Gonzales, Chair**

**No Report.**



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – August 23, 2006

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review September 5, 2006 Draft City Council Agenda  
**Meeting was canceled.**
  - (2) Add New Items to August 29, 2006 City Council Agenda
    - (a) Mayor and Councilmember Requests
    - (b) Council Appointee Requests**The Committee approved the August 29, 2006 City Council Agenda with seven additions.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's Report.**
- (c) Legislative Update
  - (1) State
    - (a) Proposition 1A – Transportation Funding Protection  
Proposition 1B – Highway Safety, Traffic Reduction, Air Quality, Port Security Bond Act of 2006
    - (b) Proposition 1C – Housing and Emergency Shelter Trust Fund Act of 2006
    - (c) Proposition 1D – Kindergarten – University Public Education Facilities Bond Act of 2006
    - (d) Proposition 1E - Disaster Preparedness and Flood Prevention Bond Act of 2006
    - (e) 2006 League of California Cities Resolution  
**The Committee approved the recommendations to support and requested that these propositions be presented to Council on 8/29/06. Heard by the Council on 8/29/06.**
  - (2) Federal  
**There were none.**
- (d) Meeting Schedules
  - (1) Approve Council Assistants Sessions on August 30, 2006 and September 7, 2006, 12:00 Noon – 1:00 p.m. in Room T1150  
**The Committee approved the schedule.**
- (e) The Public Record  
**The Committee noted and filed the Public Record.**
- (f) Appointments to Boards, Commissions and Committees  
**There were none.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – August 23, 2006 (Cont'd.)

**Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals

**There were none.**

- (h) Review of Significant Public Records Act Requests

**There were none.**

- (i) Review of Council Policy Updates per Sunshine Reforms

**There were none.**

- (j) Open Forum

**None.**

- (k) Adjournment

**The meeting was adjourned at 2:26 p.m.**

#### 3.2 Report of the Rules Committee – August 30, 2006

**Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

- (b) City Council

- (1) Review September 12, 2006 Draft City Council Agenda

- (a) Adds to the September 12, 2006 Draft City Council Agenda

**The Committee recommended approval of the Agenda with four additions.**

- (2) Add New Items to September 5, 2006 Draft Agenda

**Meeting canceled.**

- (3) List of Reports Outstanding

**There were none.**

- (c) Legislative Update

- (1) State

**Director of Intergovernmental Relations Betsy Shotwell presented a brief update on Bills: AB2223, SB2681, AB2987, AB1873 and SB1206.**

- (2) Federal

**No Report.**

- (d) Meeting Schedules

**There were none.**

- (e) The Public Record

**The Committee noted and filed the Public Record.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – August 30, 2006 (Cont'd.)**

**Vice Mayor Chavez, Chair**

- (f) Appointments to Boards, Commissions and Committees
  - (1) Approve one to three temporary reappointments to the CDBG Steering Committee  
**Deferred to 9/6/06 Rules.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve Council Committee Work Plan
    - (a) Making Government Work Better Committee  
**The Committee approved the amended work plan.**
  - (2) Revisit discussion on the process for placing commendations on the Council Agenda  
(Referred from June 14, 2006)  
**Deferred to September 6, 2006 Rules Committee.**
  - (3) Approval of the City Auditor's 2006-07 Audit Work Plan  
**The Committee approved the work plan.**
  - (4) Approval of travel for Council Member Chirco to attend the League of California Cities Annual Conference on September 6-9, 2006 in San Diego, California  
**The Committee approved the travel request.**
- (h) Review of Significant Public Records Act Requests  
**There were none.**
- (i) Review of Council Policy Updates per Sunshine Reforms  
**There were none.**
- (j) Open Forum  
**None.**
- (k) Adjournment  
**The meeting was adjourned at 2:28 p.m.**

**The Rules Committee Reports and the Actions of August 23, 2006 and August 30, 2006, were accepted.**

#### **3.3 Report of the Making Government Work Better Committee**

**Council Member Reed, Chair**

**No Report.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.4 Approval of a Cooperation Agreement related to the Old Civic Center Area.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a Cooperation Agreement between City of San José and the County of Santa Clara related to real property issues within the Old Civic Center area.

**Resolution No. 73394 adopted.**

- (b) Adoption of a resolution by the City requesting designation by the federal government of a local redevelopment authority for the Pvt. George L. Richey United States Army Reserve Center (155 West Hedding Street).

**Resolution No. 73395 adopted.**

- (c) Adoption of a resolution by the City establishing an advisory board for the redevelopment plan for the Pvt. George L. Richey United States Richey Army Reserve Center, located in the Old Civic Center Area, and a joint land use advisory committee for the former City Hall site.

CEQA: Not a Project. (City Manager's Office)

(Deferred from 8/29/06 – Item 3.6)

**Resolution No. 73396 adopted.**

#### **3.5 Approval to rebudget various funds to complete Fiscal Year 2006-2007 Projects.**

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Building and Structure Tax Fund:
- (1) Increase the Beginning Fund Balance by \$940,063.
  - (2) Establish an Oakland Road: Wayne Avenue/UPRR appropriation to the Public Works Department by \$71,000.
  - (3) Establish a Route 87: Caltrans Design and Construction Support appropriation to the Department of Transportation by \$14,607.
  - (4) Establish an Oakland Road: Route 101 to Montague appropriation to the Public Works Department by \$854,456.

**Ordinance No. 27854 adopted.**

**Resolution No. 73397 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Approval to rebudget various funds to complete Fiscal Year 2006-2007 Projects (Cont'd.)

**Recommendation:**

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Services for Redevelopment Capital Projects Fund:
- (1) Increase the Beginning Fund Balance by \$142,732.
  - (2) Increase the 13<sup>th</sup> Street SNI Pedestrian Street Light Improvement Project appropriation to the Public Works Department by \$1,572.
  - (3) Increase the McLaughlin Avenue Improvement appropriation to the Public Works Department by \$16,305.
  - (4) Increase the William Street and McLaughlin Avenue Improvement appropriation to the Public Works Department by \$9,641.
  - (5) Establish a Fourth & Santa Clara Sidewalks Improvement Project appropriation to the Department of Transportation by \$56,000.
  - (6) Establish a Backesto Park Perimeter Pedestrian Street Lighting appropriation to the Public Works Department by \$59,214.

**Ordinance No. 27855 adopted.**

**Resolution No. 73398 adopted.**

- (c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Parks Council District 4 Construction and Conveyance Tax Fund:
- (1) Increase the Beginning Fund Balance by \$146,000.
  - (2) Increase the trail: Bay Trail Reach 9B appropriation to the Parks, Recreation and Neighborhood Services Department by \$126,000.
  - (3) Increase the trail: Lower Guadalupe River Interim Improvements appropriation to the Parks, Recreation and Neighborhood Services Department by \$20,000.

**Ordinance No. 27856 adopted.**

**Resolution No. 73399 adopted.**

- (d) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Parks Council District 10 Construction and Conveyance Tax Fund:
- (1) Increase the Beginning Fund Balance by \$75,000.
  - (2) Increase the trail: Guadalupe Creek-Meridian Avenue to Singletree appropriation to the Parks, Recreation and Neighborhood Services Department by \$50,000.
  - (3) Increase the trail: Guadalupe Creek Trail Reach 6a (Interim) appropriation to the Parks, Recreation and Neighborhood Services Department by \$25,000.

**Ordinance No. 27857 adopted.**

**Resolution No. 73400 adopted.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.5 Approval to rebudget various funds to complete Fiscal Year 2006-2007 Projects (Cont'd.)**

**Recommendation:**

- (e) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Parks Citywide Construction and Conveyance Tax Fund:

- (1) Increase the Beginning Fund Balance by \$1,020,000.
- (2) Increase the trail: Coyote Creek (Story to Phelan) appropriation to the Parks, Recreation and Neighborhood Services Department by \$20,000.
- (3) Increase the Willow Glen Spur Trail Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department by \$1,000,000.

**Ordinance No. 27858 adopted.**

**Resolution No. 73401 adopted.**

- (f) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Parks and Recreation Bond Projects Fund:

- (1) Increase the Beginning Fund Balance by \$25,000.
- (2) Increase the trail: Los Alamitos/Calero Creek appropriation to the Parks, Recreation and Neighborhood Services Department by \$25,000.

CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 27859 adopted.**

**Resolution No. 73402 adopted.**

#### **3.6 Adoption of a resolution urging the President of the United States and Governor of California to pursue the prompt and safe return of Cong Thanh Do.**

**Recommendation:** Adoption of a resolution urging the President of the United States and Governor of California to pursue the prompt and safe return of Cong Thanh Do to the United States and a determination by the City Council that the need for immediate action for adoption of the resolution arose after the posting of the Council Agenda. (Chavez/Cortese/Nguyen/Reed).

(Orders of the Day)

**The memorandum from Vice Mayor Chavez and Council Members Cortese, Nguyen and Reed was approved.**

**Resolution No. 73403 adopted.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee – August 21, 2006 Council Member Chirco, Chair**

- (a) Building Strong Neighborhoods Update/Status Report  
**The Committee accepted the report.**
- (b) San José Prepared Update  
**The Committee accepted the report.**
- (c) National Incident Update  
**The Committee accepted the report.**
- (d) Citywide Trail Update  
**The Committee accepted the report.**
- (e) Oral Petitions  
**There were none.**
- (f) Adjournment  
**The meeting was adjourned at 2:35 p.m.**

**The Building Strong Neighborhoods Committee Report and the Actions of August 21, 2006, were accepted.**

### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.**

### **5.2 Approval of an agreement for consultant services for the Bascom Branch Library & Community Center.**

**Recommendation:** Approval of an agreement with Rob Wellington Quigley, FAIA for architectural consultant services for the Bascom Branch Library & Community Center Project, from the date of execution to June 30, 2010, in an amount not to exceed \$2,442,640. CEQA: Not a Project. Council District 6. (Public Works/Library/Parks, Recreation and Neighborhood Services)  
**Approved.**

## 5. NEIGHBORHOOD SERVICES

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### 5.3 Approval of an agreement for consultant services for the Solari Park Community Center & Seventrees Branch Library Project.

**Recommendation:** Approval of an agreement with Rob Wellington Quigley, FAIA for architectural consultant services for the Solari Park Community Center & Seventrees Branch Library Project, from the date of execution to June 30, 2010, in an amount not to exceed \$3,117,000. CEQA: Not a Project. Council District 7. (Public Works/Library/Parks, Recreation and Neighborhood Services)

**Approved.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

### 6.2 Approval of actions related to the Airport Concession Disadvantaged Business Enterprise Program.

**Recommendation:**

(a) Adoption of a resolution:

- (1) Approving the City of San José Airport Concession Disadvantaged Business Enterprise Program in accordance with the regulations of the United States Department of Transportation.
- (2) Approving the annual Airport Concession Disadvantaged Business Enterprise Participation Targets for Airport car rental concessions and for all Airport concessions other than car rentals for federal fiscal years 2006 through 2008.

**Resolution No. 73404 adopted.**

- (b) Adoption of a resolution authorizing the City Manager to submit the City of San José Airport Concession Disadvantaged Business Enterprise Program and Participation Targets to the Federal Aviation Administration and to make or submit revisions that are necessary to comply with applicable federal regulations and to achieve the objectives of the Program.

CEQA: Resolution Nos. 67380 and 71451, PP 06-132. (Airport)

**Resolution No. 73405 adopted.**



## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval to submit the Urban Runoff Management Plan Annual Report.**

**Recommendation:** Approval to submit the 2005-2006 Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements, pursuant to the Federal Clean Water Act. CEQA: Not a Project. (Environmental Services)

**Approved.**

### **7.2 Approval of actions related to MOUs for Recycle Plus Services.**

**Recommendation:**

- (a) Approval of a Memorandum of Understanding with California Waste Solutions, Inc. outlining the terms of an agreement for Recycling Services in Districts A and C for a six-year term from July 1, 2007 through June 30, 2013.
- (b) Approval of a Memorandum of Understanding with Garden City Sanitation, Inc. outlining the terms of an agreement for Solid Waste Services in Districts A and C for a six-year term from July 1, 2007 through June 30, 2013.
- (c) Direction to the Administration to return to Council within 45 days for approval of final agreements with California Waste Solutions, Inc. and Garden City Sanitation, Inc.
- (d) Direction to the Administration to report on the Recycle Plus transition at the Making Government Work Better Committee on November 16, 2006.

CEQA: Negative Declaration, File No. PP06-119. (Environmental Services)

(Referred from 8/22/06 – Item 7.1)

**Approved, with Staff directed to provide clear benchmarks, focus on efficient customer oriented service at a fair price and to look at the ability to purchase garbage bag tags online.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **9.1 Approval of loan options for the REP Theatre.**

**Recommendation:** Approval of loan options for the REP Theatre. (City Manager's Office)

(Referred from 8/29/06 – Items 2.6 and 9.1)

**Deferred to 9/19/06.**

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.2 Approval of fiscal actions related to the Mexican Heritage Plaza.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the:

- (a) Third amendment to the operation and maintenance agreement entered into by the City and Mexican Heritage Corporation (MHC) to advance the remaining operation and maintenance payments due to MHC for October through May of FY 2006 - 2007, totaling \$275,855.28.
- (b) Third amendment to the loan agreement entered into by the City and Mexican Heritage Corporation to allow the City to deduct MHC's monthly loan repayment amounts from the advanced Operation and Maintenance payments for October through May of FY 2006 - 2007, and to deduct from MHC's June loan repayment amount, City's payment for use of the Neighborhood Development Center (NDC) located at the Mexican Heritage Plaza, at the rate of \$1,440/month, to make corresponding amendments to the Promissory Note, and to authorize the payment to MHC by City for City's use of the NDC in the event City's use exceeds MHC's June loan repayment amount.

CEQA: Not a Project. (City Manager's Office)

**Deferred to 9/19/06.**

- **Closed Session Report**  
**No Report.**

- **Notice of City Engineer's Pending Decision on Final Maps**  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9814	NE corner of Almaden and Alma Avenues	3	Neighborhood Housing Associates	17 Units	SFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9850	South side of Rock Ave., 800 ft. W of Oakland Rd.	4	Taylor Woodrow Homes	34 Lots	SFD

- **Notice of City Engineer's Award of Construction Projects**

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in August 2006

**AWARD:**

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Norman Y Mineta San José International Airport: Gen. Eng. Contract 06-07	Citywide	Tucker Construction	\$250,000	8/1/06
Chateau Dr. Storm Drain Improvement Phase 1	10	Stoloski & Gonzalez, Inc.	\$472,860	8/1/06
Norman Y Mineta San José International Airport: Terminal Modifications Electrical/Data	Citywide	Cupertino Electric	\$350,000	8/1/06
Keeble Ave. Sanitary Sewer Replacement	6	Fermin Sierra Const. Inc.	\$645,500	8/7/06

- **Open Forum**

- (1) **Robert Apgar voiced personal views.**
- (2) **Mark Trout voiced personal religious views.**

- **Adjournment**

**The Council of the City of San José adjourned at 4:05 p.m.**